

Voter Identification: A Brief Introduction

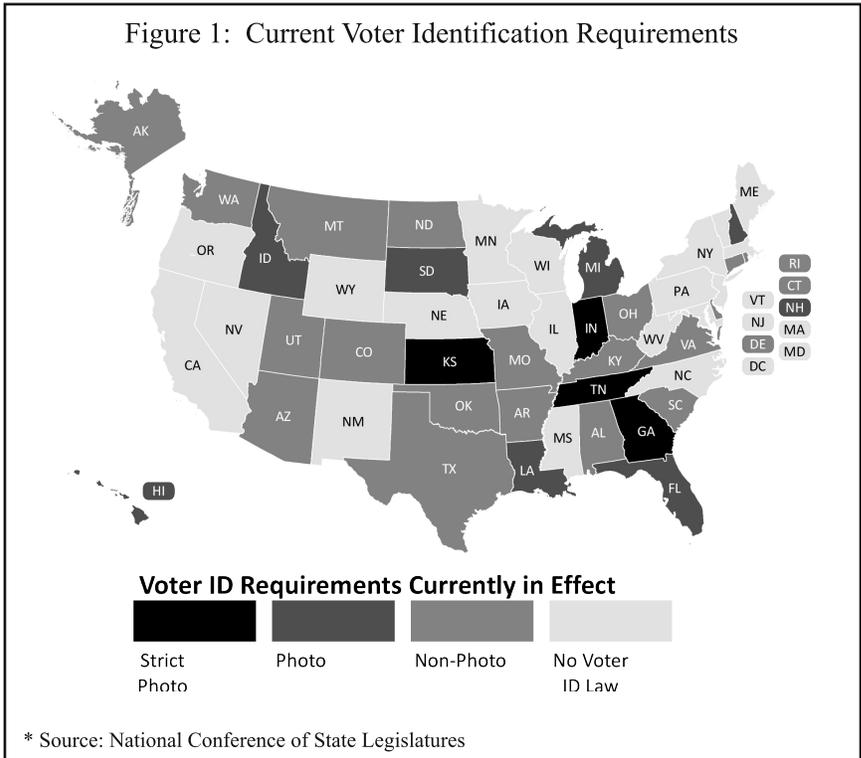
In 2011, state legislators introduced and passed a record number of bills to tighten voter registration procedures, restrict early or absentee voting, or require that citizens provide proof of identity before voting.⁶ Often enacted along partisan lines, voter participation policies have become high-profile, contentious issues in state politics. This brief provides an overview of one such policy: voter identification, or voter ID.

WHAT IS VOTER ID?

To preclude identity fraud, voter ID laws require registered voters to provide proof of identity before voting on Election Day. Government-issued photo IDs may be mandated, but many states allow voters to present student ID cards, birth certificates, bank statements, or other forms of identity. Some states also allow voters lacking acceptable IDs to cast a provisional ballot, giving the prospective voter a few days after the election to submit approved identification to election officials. Figure 1, reproduced from a National Conference of State Legislatures figure, provides an overview of voter requirements currently in effect, by state.⁵

CURRENT LAW

More than 30 states will require voters to present valid identification at the polls this November. States have been very active legislatively in this area in recent years. Nearly a thousand voter ID bills have been introduced in 46 states since 2001.⁵ Nine states that historically violated Section 5 of the 1965 Voting Rights Act must seek U.S. Department of Justice approval before changing election laws; parts of an additional seven states must seek similar federal approval. Voter ID laws in these states are on hold, pending review or resolution of court challenges. A



detailed chart of state voter ID requirements, acceptable forms of ID, options for voters without IDs, and the status of states seeking Department of Justice preclearance is available at <http://www.ncsl.org/legislatures-elections/elections/voter-id.aspx>.

VOTER ID: PROS AND CONS

Proponents of voter ID argue that stopping voter fraud justifies requiring voters to present authorized identification at the polls. In this view, voter ID insures the integrity and security of the electoral process. Critics counter that voter ID prevents only voter impersonation at the polls, one of the rarest forms of voter crimes.¹ A 2012 analysis of 2,068 election fraud cases since 2000 found ten cases of alleged voter impersonation – an average of one for every 15 million voters.³

A national lawyers association has urged strict voter-ID laws to prevent widespread voter fraud. More than 375 alleged voter fraud cases compiled by this organization were examined by News21, a national investigative reporting project headquartered at Arizona State University. News21 found that most of the cases “consisted mainly of newspaper articles about a range of election issues, with little supporting evidence of actual in-person voter fraud.”³

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Election law specialist and UC Irvine professor Rick Hasen also argues that there are very few documented cases of voter fraud. “When you do see election fraud, it invariably involves election officials taking steps to change election results or it involves absentee ballots which voter ID laws can’t prevent.”⁴ Elections expert David Schulz of Hamline University concurs. “Voter fraud at the polls,” said Schulz, “is an insignificant aspect of American elections.”³

Barriers faced by many voters in obtaining government-issued IDs are an additional strong argument against voter ID. Students, minorities, women, the elderly, low-income, disabled, and rural voters are more likely to lack the money, transportation, or documentation needed to obtain current, valid IDs. The Brennan Center for Justice estimates that “11% of American citizens do not possess a government-issued photo ID. That is over 21 million citizens.”⁶

COURT CHALLENGES TO VOTER ID

Advocacy groups including AARP, League of Women Voters and Rock the Vote have filed lawsuits against voter ID laws, arguing that the underlying intent of such laws is voter suppression. Strategies for overturning voter ID laws are state-specific, driven by voter protection provisions in state constitutions and recent federal court rulings on voter ID laws. Litigants in Pennsylvania, for example, citing the protection of voter rights in that state’s constitution, challenged Pennsylvania’s strict new voter ID law in state court. A state judge initially refused to block implementation of the new law, but has since ordered state officials not to enforce this law in the November election.

IMPACT ON NOVEMBER 2012 ELECTIONS

Although critics charge that voter ID will disenfranchise vulnerable segments of the voting population, the impact of voter ID laws on turnout is hard to assess. Citing a lack of solid data and valid statistical models, Erikson and Minnite argue that “our data and tools are not up to the task of making a compelling statistical argument for an effect.” They note, however, that “given the long history of partisan maneuvers to win elections by excluding certain voters under the guise of ‘good government reform,’ the effects of voter ID laws on voting deserve serious scientific scrutiny.”² Other studies on the effect of voter ID laws on voter turnout “find no discernable relationship or a small negative impact of up to three percentage points.”¹ However, three percentage points could shift the electoral outcome in critical swing states this November.

CITATIONS

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